

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 3-5, 8-20, and 22 are pending in this application. Claims 2, 6, 7, and 21 are hereby canceled. Claims 1 and 22 are independent. Claims 1, 3-5, 8, 16, 20, and 22 are hereby amended.

It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed and specifically on pages 15 and 23. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

**II. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1-7, 14-16, and 22 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,612,933 to Iso, et al (hereinafter, merely "Iso").

Amended claim 1 recites, *inter alia*:

A disk drive apparatus containing a plurality of operation modes, comprising:

...

a third mode having the first data rate and error processing for a second data reliability **dependent on the time duration for error processing**; and

a fourth mode having the second data rate and error handling for the second data reliability **dependent on the time duration for error processing**,

...

**wherein the first data reliability is higher than the second data reliability.** (Emphasis Added)

As understood by Applicants, Iso relates to reproducing recorded information with error detection and correction processing. A control device switches a reproduction operation to a standard speed mode in response to a correction failure condition generated in a quadruple speed mode. The apparatus disclosed in Iso continues to perform error processing, regardless of the time required.

Applicants respectfully submit that Iso does not provide a mechanism for error handling time-out in the case of processing continuous real-time data. More specifically, as pointed out by the Office Action, Iso performs “retry processing several times in the quadruple speed mode and if an error correction failure flag still persists, the reproduction mode is switched to the standard speed and the **retry processing is carried out again**” (col. 4, lin. 20-26, emphasis added). Again, as pointed out by the Office Action, “if the digital signal processing circuit finds an error uncorrectable, **three retries, for instance, are carried out in the same quadruple speed mode.** **If the error is still uncorrectable,** the reproduction operation is changed to standard speed mode. Then, the **retry is carried out at the standard speed** and if

three retries fail to correct the error, a correction failure processing is done...” (col. 9, lin. 30-42)

This description clearly reveals that error processing is done **a fixed number of times regardless of the time required**. In contrast, Claim 1 provides operation modes “with error handling **dependent on the time duration for error processing**” (emphasis added).

The Office Action points to Figure 4 and Column 14, Lines 29-50, where Iso purportedly shows the setting of an upper limit. Applicants submit that Figure 4, shows that the apparatus according to Iso stops error processing after a **fixed number of retries** (i.e., four). Applicants respectfully submit that this teaches away from operation modes “with error handling **dependent on the time duration for error processing**,” (emphasis added) as recited in claim 1.

Applicants submit that nothing has been found in Iso that would disclose or suggest the above-identified features of amended claim 1. Specifically, Iso does not disclose or suggest an operation mode “with error handling **dependent on the time duration for error processing**,” (emphasis added) as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar, or somewhat similar, to those described above, amended independent claim 22 is believed to be patentable.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 8-13 and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Iso in view of U.S. Patent No. 6,658,202 to Battaglia, et al (hereinafter, merely “Battaglia”). Claims 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Iso.

As understood by Applicants, Battaglia relates to battery powered device for transferring data between removable memory modules.

Applicants submit that Battaglia does not provide the disclosure missing from Iso, namely operation modes “with error handling **dependent on the time duration for error processing**,” (emphasis added), as recited in claims 1 and 22.

Therefore, independent claims 1 and 22 are believed to be patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

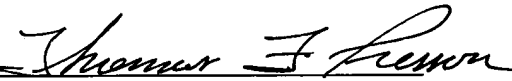
#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,  
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